## REMARKS

Claims 1-39 are pending in the application.

Claims 1-39 stand rejected.

Claims **1-10, 20-34, 37, and 39** have been amended.

### *Rejection of Claims under 35 U.S.C. §102*

Claims 1-2, 4-17, 19-26, 28-35, and 37-39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Shagam, U.S. Patent No. 6,161,216 ("Shagam").

While not conceding that the cited reference qualifies Shagam as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

Independent claim 1, as amended, is representative of amended independent claims 10, 25 and 34, and now recites:

1.      A method comprising:
providing a debugger agent, wherein
> the debugger agent is configured to select a debugger program suitable for a
>> device under test, and
>> the device under test is configured to execute a program under test;
causing the debugger agent to load the debugger program into the device under test;
sending a plurality of test commands to the device under test according to a test script;
> and

activating the debugger program when a watched event occurs during execution of the
program under test.

Support for the amendments presented herein can still be found at least at paragraphs 3,
10, and 27 of the Specification. It will be appreciated that certain of the amendments presented
herein are editorial in nature, and merely reflect changes in wording and the like, rather than
changes in substance.

Applicant further respectfully submits that "[a] claim is anticipated only if each and every
element as set forth in the claim is found, either expressly or inherently described, in a single
prior art reference." *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631; 2
USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully submits that the Office Action fails
to demonstrate that the reference shows, teaches or even suggests several of the foregoing
limitations, using claim 1 as an example. To wit:

"providing a debugger agent, wherein
the debugger agent is configured to select a debugger program suitable for a
device under test, and
the device under test is configured to execute a program under test"

Insofar as Applicants are able to discern, Shagam, in the cited portions or elsewhere,
provides no teaching as to a debugger agent that is configured to select a debugger program
suitable for a device under test, and the device under test that is configured to execute a program
under test. No technology even comparable to the debugger agent is shown, taught or even
suggested by Shagam. (Shagam, col.1, lines 29-37) For example, Shagam "features a script
generator 20 which automatically inserts the trace points within source code 10 and generates a

debugging script 22..." (Shagam, col. 3, lines 51-53). This debugging script is then provided to

the source code debugger. (*See* Shagam, col. 3, lines 55-56.) This comes as no surprise, in fact,

because Shagam is not directed to teaching anything even comparable to the claimed debugger

agent given that Shagam is directed to:

> "A method and apparatus for debugging the source code using the
> source code debugger includes the following steps. A script
> generator is provided to receive source code instructions. Executing
> the script generator includes reading each source code instruction
> and generating, based on the type of instruction, a debugging script.
> The debugging script includes a specification of trace points. The
> debugging script is then provided to the source code debugger."

(Shagam, Abstract).

Thus, because Shagam is purportedly concerned with teaching a technique in which a

script generator generates a debugging script and provides the script to a source code debugger,

one would not expect Shagam to anticipate (or make obvious) the limitations with respect to a

debugger agent configured to select a debugger program as recited in amended Claim 1.

Additionally, Shagam fails to consider the debugging script with respect to anything comparable

to the claimed limitation of a debugger program that is "suitable for a device under test." The

technique taught by the cited art is concerned with "a script generator which automatically

inserts the trace points within source code and generates a debugging script" (Shagam, col. 3,

lines 51-53) and is therefore markedly different from the limitation of "a debugger agent,

wherein the debugger agent is configured to select a debugger program suitable for a device

under test" as recited in amended Claim 1.

The Office Action also conflates the "debugging script" as purportedly taught by Shagam (Office Action, p. 3) and the claimed "sending a plurality of test commands to the device under test according to a test script" (a point which Applicant does not concede). The Office Action cites a portion of Shagam (col. 1, lines 44-46) that describes the creation of a test script, after which the debugging script is provided to the source code debugger.

> "A script generator is provided to receive source code instructions. The script generator implements the steps of reading each source code instruction and generating, based on the type of instruction, a debugging script. The debugging script comprises a specification of trace points. The debugging script is then provided to the source code debugger."

(Shagam, col. 1, lines 40-46).

As can be seen, the cited portion of Shagam discusses a technique that generates a test script which is then provided to the source code debugger. By contrast, the claimed invention sends "a plurality of test commands to the device under test according to a test script" as recited in amended claim 1. Indeed, it is not unexpected that Shagam fails to anticipate the limitation of sending a plurality of test commands to the device under test as Shagam's purported teachings are not directed towards a device under test but instead are directed towards the technique of using a script generator that "provides a faster and more efficient approach for debugging source code." (Shagam, col. 1, lines 29-30).

Applicants respectfully submit, therefore, that independent claims 1, 10, 25, and 34 are allowable over Shagam, and so Applicants respectfully urge that the §102 rejection of claims 1, 10, 25, and 34 be withdrawn. Applicants further respectfully submit that dependent claims 2, 4-

9, 11-17, 19-24, 26, 28-33, 35, 37-39 are allowable as depending upon allowable base claims in addition to being allowable for various other reasons.

## Rejection of Claims under 35 U.S.C. §103

Claims 3, 18, 27, and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shagam.
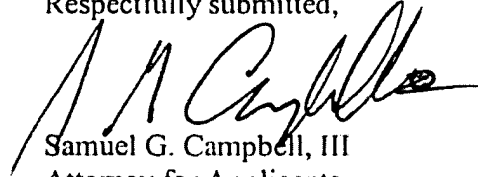
Claims 3, 18, 27 and 36 as recited are dependent upon independent claims 1, 10, 25, and 34 respectively. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)." MPEP § 2143.03. As independent claims 1, 10, 25, and 34 were not rejected as being unpatentable based on a finding of obviousness under 35 U.S.C. 103, the dependent claims are therefore nonobvious. Thus, claims 3, 18, 27 and 36 are patentable over the cited art. Applicants therefore respectfully request the reconsideration and withdrawal of the rejections to these claims and an indication of allowability of the same.

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## CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

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